

REMARKS

This is in full and timely response to the Office Action dated October 24, 2007.

Claims 1-6, 8-9, 11, and 13 are currently pending in this application, with claim 1 being independent. *No new matter has been added.*

Reexamination in light of the following remarks is respectfully requested.

Entry of amendment

This amendment *prima facie* places the case in condition for allowance. Alternatively, it places this case in better condition for appeal.

Accordingly, entry of this amendment is respectfully requested.

New non-final Office Action

At least for the following reasons, if the allowance of the claims is not forthcoming at the very least and a new ground of rejection made, then a **new non-final Office Action** is respectfully requested.

Prematureness

Applicant, seeking review of the *prematureness* of the final rejection within the Final Office Action, respectfully requests reconsideration of the finality of the Final Office Action for the reasons set forth hereinbelow. See M.P.E.P. §706.07(c).

Rejection under 35 U.S.C. §112

Page 2 of the Office Action indicates a rejection of claims 1-6, 8-9, 11, and 13 under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement.

This rejection is traversed at least for the following reasons.

While not conceding the propriety of this rejection and in order to advance the prosecution of the above-identified application, claim 1 has been amended.

Withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §103

Page 4 of the Office Action indicates a rejection of claims 1-6, 8-9, 11 and 13 under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent No. 6,916,862 to Ota et al. (Ota) in view of Japanese Application Publication No. 2000-043465 and U.S. Patent No. 6,114,412 to Kanabayashi et al. (Kanabayashi), and in further view of U.S. Patent No. 5,678,942 to Kobayashi et al. (Kobayashi) and U.S. Patent Application Publication No. 2005/0096410 to Hattori et al. (Hattori).

This rejection is traversed at least for the following reasons.

Hattori has a filing date of October 8, 2003. However, the above-identified application is entitled to benefit of the filing date for Japanese Patent Application No. 2003-084878 of March 26, 2003, which is **earlier** than the filing date of the Hattori reference.

A clean copy of a **certified English translation** of Japanese Patent Application No. 2003-084878 is provided as an attachment to this Amendment.

Thus, the rejection of claims under 35 U.S.C. §103 using Hattori should be withdrawn at least for these reasons.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Conclusion

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance.

Therefore, this response is believed to be a complete response to the Office Action.

Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

There is no concession as to the veracity of Official Notice, if taken in any Office Action. An affidavit or document should be provided in support of any Official Notice taken. 37 CFR 1.104(d)(2), MPEP § 2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

Fees

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees. If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: January 24, 2008

Respectfully submitted,

By 

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